Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 915-00548-2616-064		Date: 01-11-15	Time: 1845
Location: Firestone Drive / Cristalino Avenue		City or Station: Palmdale	
Bureau/Station/Facility: North Patrol Division / Palmdale Station		Admin. Investigation: ◯ YES ◯ NO	
Type of Force: Canine Deployment / Suspect Bitten			
Incident Category: ◯1 ◯2 ◉3	Deputy Injury: ◯ YES ◉ NO	Suspect Injury ◉ YES ◯ NO	
☒ Call ☐ Observation ☐ Detail		☐ Foot Pursuit ☐ Vehicle Pursuit	
IAB Notified: ◉ YES ◯ NO	Person Notified: Lt. Berg	Emp: [redacted]	IAB Roll Out ◉ YES ◯ NO

Involved Employee

E1

Employee # [redacted]	Last Name: Gaunt	First Name: Daryl	Middle I.	Rank: B-1	
Sex: ◉ M ◯ F	Race: W	Height: 6'03"	Weight: 220	Age: [redacted]	Shift: ◯ EM ◯ Day ◉ PM — ◉ Regular Shift ◯ OT Shift ◯ Off Duty
Unit of Assignment: Special Enforcement Bureau		Work Assignment (Unit #, Module, etc.): Canine Services Detail / 240K94			
Individual Force Used: Deployment of Canine		◉ Directed ◯ Rescue ◯ Medical Assist		Individual Category ◯1 ◯2 ◉3	
☐ Injured ☐ Treated ☐ Admitted Facility:				Coroner Case #	

E2

Employee #	Last Name	First Name	Middle I.	Rank	
Sex: ◯ M ◯ F	Race:	Height:	Weight:	Age:	Shift: ◯ EM ◯ Day ◯ PM — ◯ Regular Shift ◯ OT Shift ◯ Off Duty
Unit of Assignment:		Work Assignment (Unit #, Module, etc.):			
Individual Force Used:		◯ Directed ◯ Rescue ◯ Medical Assist		Individual Category ◯1 ◯2 ◯3	
☐ Injured ☐ Treated ☐ Admitted Facility:				Coroner Case #	

E_

Employee #	Last Name	First Name	Middle I.	Rank	
Sex: ◯ M ◯ F	Race:	Height:	Weight:	Age:	Shift: ◯ EM ◯ Day ◯ PM — ◯ Regular Shift ◯ OT Shift ◯ Off Duty
Unit of Assignment:		Work Assignment (Unit #, Module, etc.):			
Individual Force Used:		◯ Directed ◯ Rescue ◯ Medical Assist		Individual Category ◯1 ◯2 ◯3	
☐ Injured ☐ Treated ☐ Admitted Facility:				Coroner Case #	

On Duty Supervisor ☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Conti	Richard		SGT	YES ◉ NO ◯	YES ◉ NO ◯

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Conti	Richard		SGT	YES ◉ NO ◯	YES ◉ NO ◯

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Chase	Bruce	D.	LT

LT [signature] — Watch Commander / Supervising Lieutenant's **Signature**: 1/29/15 Date — Copy Provided to Employee by: Emp #:

Jack W. Ewell, Captain — Unit Commander (**Print Name**) — Jack W. Ewell [signature] Unit Commander's **Signature**: [redacted] Emp #: 2-4-15 Date

DISCOVERY Use Only
FO#

☒ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
SUSPECT INFORMATION

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Suspect Information

S 1

Last Name: Martin | First Name: Keith | Middle Name: Thomas | Armed? Select: Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: B | Age: 26 | Height: 510 | Weight 190 | D.O.B: 12-05-88 | Phone #1: ( ) H ( ) W (●) C [redacted] | Phone #2: ( ) H ( ) W ( ) C [redacted]

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 4204925 | Primary Charge Code: 459 PC | Secondary Charge Code: | [redacted] Criminal History

Treated on Scene? (●) YES ( ) NO Name: L.A.F.D. Capt. Grill | Unit: Engine #84 | Phone #: 323-881-2411

Hospital Admission? ☐ | Rec'd Treatment At: Antelope Valley Hosp | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: Doctor Petrik | Address: 1600 West Ave J Lancaster, CA 93535 | Phone #: 661 949-5000

Under Influence: ( ) YES (●) NO | Substance: | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 01-11-15 | Time: 2003 | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Martin, Keith	S#1	Gaunt, Daryl	E#1	HR	NN	NN
Martin, Keith	S#1	Gaunt, Daryl	E#1	RS	NN	NN
Gaunt, Daryl	E#1	Martin, Keith	S#1	CN	DB	LE

Supervisor's Report on Use of Force

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Canine Deployment - Supervisor's Review

Primary Handler: Gaunt	# [redacted]	Canine: Boy	Unit: 240K94
Assist Handler: Messerschmidt	# [redacted]	Canine: Coz	Unit: 240K97
Assist Handler:	#	Canine:	Unit:
Assist Handler:	#	Canine:	Unit:

TYPE OF SEARCH

☒ Area ☐ Other:

☐ Building

TYPE OF INCIDENT

☒ Bite

☐ Other:

BITE OCCURRED WHILE

☒ Apprehending Suspect

☒ Conducting Search

☐ Protecting Handler

☐ Other:

ANNOUNCEMENTS

☒ Announcements Were Made

☐ None (Reason):

Announcement Made by: Deputy Messerschmidt

☐ by Aero Unit

☒ by Radio Car

☒ English

☒ Spanish

☒ Recorded

Criminal History

[redacted]

Notifications

Chief Roberta A. Abner, Homeland Security Division
Captain Jack Ewell, Special Enforcement Bureau
Lieutenant Bruce Chase, Special Enforcement Bureau
Lieutenant Michael Berg, Internal Affairs Bureau

On Sunday, January 11, 2015, an off-duty deputy sheriff assigned to Lancaster Station observed a suspicious pick-up truck driving through a residential neighborhood. He saw the vehicle drive into a field and stop just south of a tract of homes. The deputy observed two males and one female jump a wall to one of the homes and break into the house through a kitchen window. Using his Department issued portable radio, the deputy requested assistance from Palmdale Station. As units arrived at the location, all three suspects exited the residence and fled into the neighborhood. A containment was established and two of the three suspects (one male and one female) were quickly taken into custody after they were observed crawling through some bushes next to a residence. The third suspect (Suspect Martin) remained at large and CSD was requested to assist in searching for him.

CSD Deputies Gaunt and Messerschmidt arrived on scene and were briefed by the handling unit. Deputy Gaunt contacted me via telephone while I was responding to the incident and briefed me.

I telephonically authorized the use of a police service dog to search for Suspect Martin based on the following:

- Suspect Martin fled from uniformed deputies who interrupted him while burglarizing a residence, rather than peacefully submitting to a lawful detention.

- Despite knowing law enforcement was in the area actively looking for him, Suspect Martin chose to remain hiding, rather than peacefully submitting to a lawful detention.

- The suspects broke into a residence. Oftentimes burglars are armed with weapons in the event they are confronted by a resident during the commission of their crime.

- Firearms are almost always stolen when found during the commission of a burglary. Firearms are coveted amongst criminals and criminal street gangs. If a firearm was located in the home that was burglarized, there was a high probability the suspect may have armed himself with that firearm.

- Suspect Martin presented a threat to law enforcement and the community by running into a residential neighborhood where he could potentially break into someone else's home in order to avoid capture or possibly take a resident hostage.

- Suspect Martin hid in an area which gave him the opportunity to conceal himself and carry out an ambush of the law enforcement personnel who were now responsible for locating him.

- The deployment of a police service dog would give the search team the benefit of utilizing distance and cover while searching for Suspect Martin, thus decreasing the chances of a deputy involved shooting and allow for a safer means of locating and detaining him.

Prior to beginning their search, Deputy Messerschmidt played pre-recorded canine announcements throughout the contained area from the public address system of his police vehicle. The announcements were broadcast in a loop, alternating between English and Spanish. The pre-recorded announcements warned Suspect Martin and the residents in the area that a police service dog was going to be deployed. The announcements instructed Suspect Martin to surrender to the nearest deputy sheriff and he would not be harmed, otherwise, the announcements informed him he may be bitten by the police dog when located.

Deputy Messerschmidt played the announcements as he drove northbound on Tilton Drive to eastbound Avenue M to southbound Silver Puffs Drive to westbound Firestone Drive to southbound Cristalino Avenue, eastbound Rosemount Way to northbound Silver Puffs Drive to westbound Avenue M to southbound Tilton Drive, back to the location of the burglary.

Deputy Gaunt assembled a search team which consisted of his police service dog Boy, CSD Deputy Messerschmidt and two Palmdale patrol deputies. The search team requested an airship to assist during the search, but they were unable to respond due to weather. The team began their search several properties north of where the first two suspects were taken into custody and continued southbound towards the location of the original burglary. I arrived on scene shortly thereafter and joined the search team. We continued searching until we reached the home which had been burglarized. After searching the inside of the home, we decided to focus our search on a dirt field just east of the tract of homes and decided to split our search team into two. Deputy Gaunt, his dog Boy and I were going to search the open field, while Deputy Messerschmidt, his dog Coz and the two patrol deputies were going to parallel us along the row of houses, in case Suspect Martin was in the field and jumped back into the rear yards of the homes we had just searched.

Deputy Gaunt and I entered the dirt field from the south and began to search northbound. Deputy Gaunt directed his dog to range up to 100 yards north of us in order to give us distance from the suspect should he be hiding in the brush, as it would have been nearly impossible to see the suspect unless we were feet away from him. The suspect, however, would have been able to easily see us approaching well before we saw him.

The dog searched the west side of the field, which was adjacent to the row of houses we had just searched. After searching approximately three-fourths of the field, the dog began to search the eastern portion of the field. We watched the dog as he approached to within approximately 10 to 20 yards from a radio car which was on a containment position and then as he entered the nearby brush. Seconds later, we could hear yelling come from that area of the brush. The dog had located Suspect Martin approximately 10 to 15 yards from the radio car, which was on a containment position at the corner of Firestone Drive and Cristalino Avenue.

Utilizing the tactical advantage provided to us while the suspect was engaged with the dog, Deputy Gaunt and I were able to more safely move toward the area of the brush where he was hiding. As we approached Suspect Martin, I could see the dog had detained him by biting him on the lower portion of his left leg. As we moved closer, I saw Suspect Martin take his right foot, put it on the head of the dog and violently kick and push downward to attempt to break free of the dog. Suspect Martin was successful in pushing the dog off his left calf. The dog however, as trained, immediately re-engaged him, biting him on the lower portion of his right leg. At this point, we had closed the distance on Suspect Martin. Deputy Gaunt ordered him to stop fighting the dog and to show us his hands. Suspect Martin, now apparently realizing that he would not be able to overpower the dog and flee again, complied. As soon as we could see that he did not appear to be armed, Deputy Gaunt took control of his dog and ordered him to release the bite. Suspect Martin was then handcuffed without further incident by containment personnel who had moved in to assist us.

We immediately requested paramedics to treat Suspect Martin for his injuries.

The deputy who witnessed the burglary came to our location and positively identified Suspect Martin as one of the suspects who burglarized the home.

Suspect Martin was treated on scene by personnel from Los Angeles County Fire Department Station #84, under the direction of Captain Grill. Suspect Martin was subsequently transported to Antelope Valley Hospital, where he was treated under the direction of Doctor Petrik. He was treated for a tear to his left calf and canine rakes and small punctures to his right shin. The bite wound to his left calf was exacerbated when he used his right foot to kick and push the dog after he had set his bite, causing a tearing wound, rather than a more commonly occurring rake or puncture. The medical staff determined that Suspect Martin would be admitted to the hospital to surgically treat the left calf wound. (Suspect Martin was released from the hospital approximately a day and a half later and cleared for booking.)

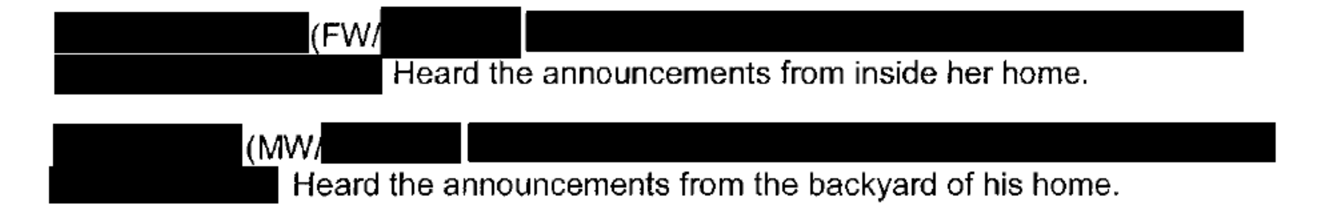
The search team was approximately 100 yards from the dog when he located the suspect. The dog engaged Suspect Martin for approximately 45-50 seconds.

I notified Lieutenant Chase and Internal Affairs Bureau Lieutenant Berg of the incident.

WITNESS INTERVIEWS

I interviewed several residents adjacent to where the force incident took place and asked if they heard the canine announcements which were played throughout the containment. The interviews were digitally recorded.

[redacted] (MW/[redacted]
[redacted] Heard the announcements from inside his home.


[redacted](FW/[redacted] Heard the announcements from inside her home.

[redacted](MW/[redacted] Heard the announcements from the backyard of his home.

A citizen (who wished to remain anonymous) who lives in the neighborhood also took a short video clip of the Sheriff's Tahoe broadcasting the announcements as it passed by. A copy of the video is submitted with this force package.

SUSPECT STATEMENTS

Immediately after he was taken into custody and after requesting paramedics to treat Suspect Martin for his injuries, I asked him why he did not come out when he heard the canine announcements we played throughout the contained area. I digitally recorded our conversation. All Suspect Martin would tell me was he "fell asleep." I confirmed his name with him and concluded the interview.

On January 11, 2015, at approximately 2003 hours, I conducted a video recorded interview with Suspect Martin while at the emergency room of Antelope Valley Hospital. Prior to beginning the interview, Suspect Martin told me he had nothing to say to me. Despite telling him this video was for administrative purposes related to the force that occurred, and not for his criminal case, he still was reluctant to talk to me.

I began the recorded interview by asking him why he didn't come out after hearing the canine announcements. Suspect Martin replied by saying, "I didn't get bit by no dog." I continued by recording the bites to his lower legs and telling him I could see the injuries. I then asked if he was bit anywhere else. He replied, "I don't know." I then asked him if he wanted to tell me what happened. He shook his head side to side and said, "Nothing." I asked him if he wanted to talk to me and he replied, "No."

I continue the interview by asking him why he was hiding in the field. He replied he "fell asleep." I asked him if he heard the canine announcements we played. He replied, "No." When I told him we had talked to neighbors in the area who had clearly heard the announcements, he still maintained that he was asleep in the field. Based upon the ultimate outcome, I asked him if he now wished he would have surrendered before the dog located him. Despite earlier saying that he didn't get bitten by a dog, Suspect Martin now replied by saying if he had heard any announcements, he would have come out.

I concluded the interview by asking if he had been drinking alcohol or had used any drugs prior to this incident. He replied that he had not. He also said he didn't belong to any gangs. I again asked him if he was bit anywhere else besides his legs. He replied that he wasn't. I then gave him an opportunity to add anything or say anything else. He refused. I concluded my interview.

CONCLUSION

This force incident occurred because of Suspect Martin's actions and his refusal to simply surrender. The two other suspects with whom he committed the burglary were quickly located and taken into custody without incident. However, Suspect Martin continued to try and avoid capture by fleeing into an open field and hiding in thick brush. Canine announcements were eventually broadcast only 40 to 50 feet from where Suspect Martin was ultimately found hiding in the open field. Despite fleeing from the scene of the burglary in the immediate presence of deputies and refusing all orders to surrender, Suspect Martin later asserted that he would have surrendered if he had heard the canine announcements, but unfortunately he fell asleep and was unaware that deputies were still searching for him.

However, his claim lacks credibility when considering he originally fled in the immediate presence of numerous deputies, more than a dozen deputies and radio cars responded with their emergency lights and sirens and, while Suspect Martin lay in the open field, three people on properties immediately adjacent to where he was found told us they had heard the broadcast announcements clearly.

Had he simply made his presence known and surrendered peacefully at any point during the search, he would not have come in contact with the dog. It also appears Suspect Martin aggravated his situation by forcibly kicking down and pushing the dog off of his lower left leg after the dog had set a bite. The force of him pushing the dog off his leg while the dog was still biting him appears to have exacerbated the injury to his left calf. After the dog came off the bite, the dog immediately re-bit him on the lower part of his right leg. As the search team was able to more safely close the distance on the suspect while he was engaged with the canine, he did not have the opportunity to attempt to kick the dog off of his right leg, and that injury was minimal in comparison, only consisting of canine rakes and small punctures.

It is apparent Suspect Martin had ample time to surrender to the numerous uniformed law enforcement personnel in the area, but he chose not to. Suspect Martin lay hiding only yards away from where a Sheriff's patrol car was parked, with its lights and radio activated and deputies standing next to it. The fact that these deputies could not see Suspect Martin, and would not have known he was there unless the canine had been able to locate him, further highlights both the potential danger posed by the suspect and the benefit of the service dog. Suspect Martin has an extensive prior criminal history, including a previous conviction for violently resisting and injuring officers attempting to arrest him for burglary. Fortunately in this case, the use of the canine prevented the need for any similar direct physical confrontation with the suspect and arresting officers.

CHARGES

Suspect Martin was charged with 459 PC under case number MA06510003.